

REMARKS

Claims 19 and 21 have been rewritten in independent form and is otherwise the same claim as the originally submitted claims 19 and 21.

The Examiner objected to claims 10 and 21 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants gratefully acknowledge the Examiner's indication of allowable subject matter and have so rewritten claims 10 and 21 in independent form. In addition, since new claim 25 includes the same features that are present in allowable claims 10 and 21, Applicants respectfully maintain that new claim 25 is likewise allowable.

The Examiner rejected claims 1-11 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner rejected claims 1-7, 9, 11-18, 20, and 22-23 under 35 U.S.C. §102(e) as allegedly being anticipated by Cesare et al. (Patent # 6,604,095).

The Examiner rejected claims 8 and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Cesare et al. (Patent # 6,604,095).

Applicants respectfully traverse the §101, §102 and §103 rejections with the following arguments.

35 U.S.C. §101

The Examiner rejected claims 1-11 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues: "As per claim 1, it is a method of generating custom spreadsheet comprising transforming a portion of a database into custom spreadsheet. Analyzing the claims, the disclosed invention is not data structure per se. It is a series of steps performed on a computer. Evaluating the process it is determined that there is no pre-computer or postcomputer activity. The invention merely manipulates abstract idea or solves a purely mathematical problem without any limitation to a practical application. Therefore it is a non-statutory subject matter ... Claims 2-11 being dependent on claim 1 are rejected under same rationale."

In response, Applicants have amended claim 1 to recite "execution of a control program on a processor of a computer".

Accordingly, Applicants respectfully maintain that claim 1 is not non-statutory under 35 U.S.C. §101.

35 U.S.C. §102(e)

The Examiner rejected claims 1-7, 9, 11-18, 20, and 22-23 under 35 U.S.C. §102(e) as allegedly being anticipated by Cesare et al. (Patent # 6,604,095).

Since claims 11 and 22 have been canceled, the rejection of claims 11 and 22 is moot.

Applicants respectfully contend that Cesare does not anticipate claim 1, because Cesare does not teach each and every feature of claim 1. For example, Cesare does not teach the feature: "transforming a view of a database into the custom spreadsheet, wherein the view of the database includes data of the database and is represented in the form of a table but does not actually exist as a table of the database".

Based on the preceding arguments, Applicants respectfully maintain that Cesare does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2-7 and 9 depend from claim 1, Applicants contend that claims 2-7 and 9 are likewise in condition for allowance.

Applicants respectfully contend that Cesare does not anticipate claim 12, because Cesare does not teach each and every feature of claim 12. For example, Cesare does not teach the feature: "wherein the control program is a computer executable program that functions as a background process within an operating system environment of the computer system and is executed concurrent with, and independent of, other software execution that is occurring within the operating system environment".

Based on the preceding arguments, Applicants respectfully maintain that Cesare does not anticipate claim 12, and that claim 12 is in condition for allowance. Since claims 13-18, 20 and

22 depend from claim 12, Applicants contend that claims 13-18, 20 and 22 are likewise in condition for allowance.

Applicants respectfully contend that Cesare does not anticipate claim 23, because Cesare does not teach each and every feature of claim 23. For example, Cesare does not teach the feature: "a control program adapted to transform a view of a database of a computer system into a custom spreadsheet, wherein the view of the database includes data of the database and is represented in the form of a table but does not actually exist as a table of the database".

Based on the preceding arguments, Applicants respectfully maintain that Cesare does not anticipate claim 23, and that claim 23 is in condition for allowance.

35 U.S.C. §103(a)

The Examiner rejected claims 8 and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Cesare et al. (Patent # 6,604,095).

In response, Applicant contends that Cesare cannot be used as prior art in rejecting claims 8 and 19 under 35 U.S.C. §103(a), because “[e]ffective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person or subject to assignment by the same person.’” MPEP 706.02(1)(1). First, the present patent was filed on January 7, 2002 which is after November 29, 1999. Second, the Cesare patent is being considered by the Examiner as prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e), because the Cesare patent issued on August 5, 2003 which is after the filing date of January 7, 2002 of the present patent application. Third, both the subject matter of Cesare patent and the claimed invention of the present patent application were, at the time the invention was made, owned by International Business Machines Corporation or subject to assignment by International Business Machines Corporation.

Accordingly, Applicant respectfully maintains that Cesare cannot be used as a prior art reference in rejecting claims 8 and 19 under 35 U.S.C. §103(a) and the rejection of claims 8 and 19 under 35 U.S.C. §103(a) should accordingly be withdrawn.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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